

REMARKS

Reconsideration and allowance and of the subject application in view of the following remarks is respectfully requested.

Claims 1-4, 6-11 and 13-25 are pending in the application. Claims 1, 6, 9, 13, 18 and 21-24 have been amended. Applicant appreciatively notes that claims 18 and 20-22 are allowed.

Claims 1-3, 6, 14-16, 23 and 25 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zijderhand in view of Holland. Applicant respectfully traverses this rejection.

The present invention recited in claims 1 and 14 is directed to a system which have automatically transmitted location information at a first location at a first interval frequency and automatically transmits at a second location at a second interval frequency. The location of the vehicle is transmitted automatically at the first location and at the second location. By contrast, Zijderhand transmits information based upon discreet internal change of status of the vehicle (col. 3, lines 48-56). Nowhere in Zijderhand is location information transmitted based on location. Holland does not overcome the deficiencies of Zijderhand. The Examiner has not pointed to any teaching or suggestion in either of the applied references for making this combination. It appears that the Examiner is merely using hindsight to make this combination. The dependent claims recite additional important limitations and should be patentable along with claim 1. The obviousness rejection should be withdrawn.

Claims 9-10 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zijderhand in view of Adolph. Applicant respectfully traverses this rejection.

The present invention recited in claim 9 is directed to a trigger device which transmits location of the vehicle to a remote location. The trigger is based upon the change in location. The Examiner admits that Zijderhand does not disclose a trigger device. Instead, Zijderhand discloses a threshold item as a deviation from a planned or expected route. Adolph does not trigger based upon location but instead discloses automatically triggering after a given period, or coverage of a certain distance, depending on the update value of the data, or on request from a central computer (col. 11, lines 20-23). The Examiner has not pointed to any teaching

or suggestion in either of the applied references for making this combination. It appears that the Examiner is merely using hindsight to make this combination. Dependent claim 10 recites additional important limitations and should be patentable along with claim 9.

Claims 13 and 24 are rejected as unpatentable over Zijderhand and Adolph and further work in view of Holland. Applicant respectfully traverses this rejection.

For the reasons discussed above with respect to claim 9, claims 13 and 24 should be allowable. Holland does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

Claims 4, 11 and 17 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zijderhand, Holland, and Adolph and further in view of Mathis. Applicant respectfully traverses this rejection

For the reasons discussed above with respect to claims 1 and 9 claims 4, 11 and 17 should be allowable. Mathis does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

Claims 7-8 are rejected under 35 U.S.C. Section 103(a) as being as unpatentable over Zijderhand and Holland, and further in view of Novik. Applicant respectfully traverses this rejection.

For the reasons discussed above with respect to claim 1, claims 7 and 8 should be allowable. Novik does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

Claim 19 is rejected under 35 U.S.C. Section 103 (a) as being as unpatentable over Zijderhand and Holland, and further in view of Murphy. Applicant respectfully traverses this rejection.

For the reasons discussed above with respect to claims 14 and 19 should be allowable. Murphy does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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MARKED-UP VERSION SHOWING CHANGESIN THE CLAIMS

Please amend the claims as follows:

1. (Three Times Amended) A method for transmitting the location of a vehicle to a location remote from the vehicle comprising the steps of:
 - a) determining a location of the vehicle relative to a road network defined as a first location;
 - b) determining a change in the location of the vehicle relative to the road network defined as a second location wherein a third location is arranged between the first and second locations; and
 - c) automatically communicating the location of the vehicle to the remote location based upon said change in location including communicating the first location at a first interval frequency, suppressing communication of the third location, and communication of the third location, and communicating the second location at a second interval frequency.
6. (Twice Amended) The method of claim 1 wherein the first and second interval frequencies are different.
9. (Three Times Amended) An apparatus for a navigation system for transmitting the location of a vehicle to a location remote from the vehicle, the apparatus comprising:
 - at least one position determining device for providing a vehicle location signal;
 - a database having a map database with a road network;
 - a processor interconnected to said at least one positioning device and said database for determining the location of the vehicle relative to said map;
 - a transmitter for producing a transmission signal to the remote location having the location of the vehicle;
 - a trigger device for triggering said transmission signal, wherein said triggering device determines a location of the vehicle relative to said road network defined as a first location and determines a change in the location of the vehicle relative to said road network defined as a second location, and said trigger device automatically commands said transmitter to

produce said transmission signal based upon the change in location, wherein a third location is arranged between the first and second locations, and said trigger device communicates the first location at a first interval frequency, suppressing communication of the third location, and communicates the second location at a second interval frequency.

13. (Twice Amended) The apparatus of claim 9 wherein the first and second interval frequencies are different.

18. (Twice Amended) A method for transmitting the location to a location remote from the vehicle comprising the steps of:

- a) determining a location of the vehicle relative to a road network defined as a first location;
- b) determining a new location of the vehicle relative to the road network defined as a second location;
- c) automatically communicating the first location of the vehicle to the remote location at a first interval frequency; and
- d) automatically communicating the second location of the vehicle to the remote location at a second interval frequency different from the first interval frequency, wherein the first location is a freeway and the second location is a residential street, wherein the first interval frequency is less than the second interval frequency.

21. (Three Times Amended) A method for transmitting the location to a location remote from the vehicle comprising the steps of:

- a) determining a location of the vehicle relative to a road network defined as a first location;
- b) determining a new location of the vehicle relative to the road network defined as a second location;
- c) automatically communicating the first location of the vehicle to the remote location at a first interval frequency; and
- d) automatically communicating the second location of the vehicle to the remote location at a second interval frequency different from the first interval frequency, wherein the first location is part of a dense road network and the second location is part of a sparse road network wherein the first frequency is greater than the second interval frequency.

22. (Three Times Amended) A method for transmitting the location to a location remote from the vehicle comprising the steps of:

- a) determining a location of the vehicle relative to a road network defined as a first location;
- b) determining a new location of the vehicle relative to the road network defined as a second location;
- c) automatically communicating the first location of the vehicle to the remote location at a first interval frequency; and
- d) automatically communicating the second location of the vehicle to the remote location at a second interval frequency different from the first interval frequency, wherein the first and second locations have first and second speed limits, respectively, with the first speed limit being greater than the second speed limit, wherein the first interval frequency is less than the second interval frequency.

23. (Twice Amended) The method of claim 1 wherein the interval frequencies define a data transmission interval.

24. (Twice Amended) The apparatus of claim 9, wherein said interval frequencies define a data transmission interval.